

**TWENTY-EIGHTH DAY - FEBRUARY 15, 2006****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
SECOND SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 15, 2006

**PRAYER**

The prayer was offered by Pastor Peggy Michael-Rush, Faith United Methodist Church, Gibbon.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Byars, Engel, Mines, Dw. Pedersen, D. Pederson, and Stuthman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 776, 818, and 1111.

(Signed) Michael Flood, Chairperson

**STANDING COMMITTEE REPORTS  
Banking, Commerce and Insurance**

**LEGISLATIVE BILL 1259.** Placed on General File.

(Signed) Mick Mines, Chairperson

**Transportation and Telecommunications**

**LEGISLATIVE BILL 1069.** Placed on General File as amended.

Standing Committee amendment to LB 1069:

AM2307

- 1 1. Strike sections 1 and 3 and insert the following new  
2 section:  
3 Section 1. (1) The Department of Health and Human  
4 Services Finance and Support may reimburse an individual for  
5 the costs incurred by such individual in the transportation of  
6 a person eligible to receive transportation services through the  
7 Nebraska Health and Human Services System if:  
8 (a) The individual is under contract with the Nebraska  
9 Health and Human Services System and provides transportation to the  
10 eligible person; and  
11 (b) The eligible person has chosen the individual to  
12 provide the transportation.  
13 (2) The department shall reimburse for the costs incurred  
14 in the transportation at a rate no greater than that provided for  
15 reimbursement of state employees pursuant to section 81-1176.  
16 (3) Transportation provided to an eligible person by  
17 an individual pursuant to this section does not constitute  
18 transportation for hire.  
19 (4) The department may adopt and promulgate rules and  
20 regulations to implement this section.  
21 2. On page 7, line 22, strike "sections 75-302 and  
22 75-303" and insert "section 75-302".

**LEGISLATIVE BILL 1215.** Placed on General File as amended.

Standing Committee amendment to LB 1215:

AM2259

- 1 1. Strike original section 1 and insert the following new  
2 section:  
3 Section 1. Section 60-169, Revised Statutes Supplement,  
4 2005, is amended to read:  
5 60-169 ~~(4) Each~~ (1)(a) Except as otherwise provided in  
6 subdivision (b) of this subsection, each owner of a vehicle and  
7 each person mentioned as owner in the last certificate of title,  
8 when the vehicle is dismantled, destroyed, or changed in such a  
9 manner that it loses its character as a vehicle or changed in such  
10 a manner that it is not the vehicle described in the certificate  
11 of title, shall surrender his or her certificate of title to the  
12 county clerk or designated county official of the county where such  
13 certificate of title was issued or, if issued by the department,  
14 to the department. If the certificate of title is surrendered  
15 to the county clerk or designated county official, he or she  
16 shall, with the consent of any holders of any liens noted thereon,  
17 enter a cancellation upon his or her records and shall notify the  
18 department of such cancellation. If the certificate is surrendered  
19 to the department, it shall, with the consent of any holder of any  
20 lien noted thereon, enter a cancellation upon its records.  
21 (b)(i) In the case of a mobile home for which a

certificate of title has been issued, if such mobile home is affixed to real property in which the owner of the mobile home has an ownership interest, the certificate of title may be surrendered for cancellation to the county clerk or designated county official of the county where such certificate of title is issued or, if issued by the department, to the department, if at the time of surrender, the owner submits to the county clerk, designated county official, or to the department an affidavit of affixture on a form provided by the department that contains all of the following, as applicable: (A) The names and addresses of all of the owners of record of the mobile home; (B) a description of the mobile home that includes the name of the manufacturer of the mobile home, the year of manufacture, the model, and the manufacturer's serial number; (C) the legal description of the real property upon which the mobile home is affixed; (D) a statement that the mobile home is affixed to the real property; (E) the written consent of each holder of a lien duly noted on the certificate of title to the release of such lien and the cancellation of the certificate of title; (F) a copy of the certificate of title surrendered for cancellation; and (G) the name and address of an owner, a financial institution, or other entity to which notice of cancellation of the certificate of title may be delivered.

(ii) The person submitting an affidavit of affixture pursuant to this subdivision shall swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement in the affidavit may subject the person to penalties relating to perjury under section 28-915.

(2) If a certificate of title of a mobile home is surrendered to the county clerk or designated county official, along with the affidavit required by subdivision (1)(b) of this section, he or she shall enter a cancellation upon his or her records, notify the department of such cancellation, and forward a duplicate original of the affidavit to the department and deliver a duplicate original of the executed affidavit under subdivision (1)(b) of this section to the register of deeds for the county in which the real property is located which shall be filed by the register of deeds. The county clerk or designated county official shall be entitled to collect fees from the person submitting the affidavit in accordance with sections 33-109 and 33-112 to cover the costs of filing such affidavit. If the certificate of title is surrendered to the department, along with the affidavit required by subdivision (1)(b) of this section, the department shall enter a cancellation upon its records and deliver a duplicate original of the executed affidavit under subsection (1)(b) of this section to the register of deeds for the county in which the real property is located which shall be filed by the register of deeds. The department shall be entitled to collect fees from the person submitting the affidavit in accordance with sections 33-109 and 33-112 to cover the costs of filing such affidavit. Following

21 the cancellation of a mobile home certificate of title, neither  
22 the county clerk, designated county official, nor the department  
23 shall issue a certificate of title for such mobile home, except as  
24 provided in subsection (5) of this section.

25 (3) If a mobile home is affixed to real estate before the  
26 effective date of this act, a person who is the holder of a lien  
27 or security interest in both the mobile home and the real estate to  
1 which it is affixed on such date may enforce its liens or security  
2 interests by accepting a deed in lieu of foreclosure or in the  
3 manner provided by law for enforcing liens on the real estate.

4 (4) A mobile home for which the certificate of title has  
5 been canceled and for which an affidavit of affixture has been  
6 duly recorded pursuant to subsection (2) of this section shall be  
7 treated as part of the real estate upon which such mobile home is  
8 located and any lien thereon shall be perfected and enforced in  
9 the same manner as a lien on real estate and the owner may convey  
10 ownership of the mobile home only as a part of the real estate to  
11 which it is affixed.

12 (5) If an owner of both the mobile home and the real  
13 estate described in subdivision (1)(b) of this section intends to  
14 detach the mobile home from the real estate, the owner shall do  
15 both of the following: (a) Before detaching the mobile home, record  
16 an affidavit of detachment in the office of the register of deeds  
17 in the county in which the affidavit is recorded under subdivision  
18 (1)(b) of this section; and (b) apply for a certificate of title  
19 for the mobile home pursuant to section 60-147. The affidavit of  
20 detachment shall contain all of the following: (i) The names and  
21 addresses of all of the owners of record of the mobile home;  
22 (ii) a description of the mobile home that includes the name of  
23 the manufacturer of the mobile home, the year of manufacture,  
24 the model, and the manufacturer's serial number; (iii) the legal  
25 description of the real estate from which the mobile home is to be  
26 detached; (iv) a statement that the mobile home is to be detached  
27 from the real property; (v) a statement that the mobile home  
1 certificate of title has previously been canceled, (vi) the name  
2 of each holder of a lien of record against the real estate from  
3 which the mobile home is to be detached, with the written consent  
4 of each holder to the detachment; and (vii) the name and address  
5 of an owner, financial institution, or other entity to which the  
6 certificate of title may be delivered.

7 (6) An owner of an affixed mobile home for which the  
8 certificate of title has previously been canceled pursuant to  
9 subsection (2) of this section shall not detach the mobile home  
10 from the real estate before a certificate of title for the mobile  
11 home is issued by the county clerk, designated county official,  
12 or department. If a certificate of title is issued by the county  
13 clerk, designated county official, or department, the mobile home  
14 is no longer considered part of the real property and any lien  
15 thereon shall be perfected pursuant to section 60-164 and the owner

16 may convey ownership of the mobile home only by way of certificate  
 17 of title.

18 (7) For purposes of this section:

19 (a) A mobile home is affixed to real estate if the  
 20 wheels, towing hitches, and running gear are removed and it is  
 21 permanently attached to a foundation or other support system; and

22 (b) Ownership interest means the fee simple interest in  
 23 real estate or an interest as the lessee under a lease of the real  
 24 property that has a term that continues for at least twenty years  
 25 after the recording of the affidavit under subsection (2) of this  
 26 section.

27 (2) (8) Upon cancellation of a certificate of title  
 1 in the manner prescribed by this section, the county clerk or  
 2 designated county official and the department may cancel and  
 3 destroy all certificates and all memorandum certificates in that  
 4 chain of title.

(Signed) Tom Baker, Chairperson

## ANNOUNCEMENTS

Senator Kopplin designates LB 500 as his priority bill.

The Health and Human Services Committee designates LB 994 as its priority bill.

Senator Langemeier designates LB 1226 as his priority bill.

## RESOLUTION

**LEGISLATIVE RESOLUTION 289.** Introduced by Stuhr, 24.

WHEREAS, Mark Murphy, elementary school principal in the Centennial Public Schools, was named the Distinguished Principal for 2006 by the Nebraska Association of Elementary School Principals; and

WHEREAS, this recognition is also sponsored by the United States Department of Education and the National Association of Elementary School Principals. Mr. Murphy will be honored again this fall in Washington, D. C.; and

WHEREAS, this program is an annual event which honors outstanding principals who impart the highest quality of education that all children should receive during their early school years; and

WHEREAS, Principal Murphy is a leader in his community and also a leader in his profession and is known for his character, creativity, and concern for all of his students; and

WHEREAS, Mark Murphy exemplifies the ideals of effective leadership, efficient management, community spirit, and a commitment to education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates Principal Mark Murphy for this achievement.

2. That a copy of this resolution be sent to Mark Murphy, elementary school principal in the Centennial Public Schools; Brian Maher, Superintendent of Centennial Public Schools; and the Centennial Public Schools Board.

Laid over.

### **MOTIONS - Approve Appointments**

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 635:

Oil and Gas Conservation Commission  
Thomas Sonntag

Voting in the affirmative, 27:

Aguilar	Erdman	Johnson	Pahls	Stuhr
Baker	Fischer	Kopplin	Raikes	Thompson
Beutler	Friend	Kremer	Redfield	Wehrbein
Burling	Heidemann	Kruse	Schimek	
Cudaback	Hudkins	Landis	Schrock	
Cunningham	Jensen	Louden	Smith	

Voting in the negative, 0.

Present and not voting, 16:

Bourne	Combs	Foley	McDonald
Brashear	Connealy	Howard	Preister
Brown	Cornett	Janssen	Price
Chambers	Flood	Langemeier	Synowiecki

Excused and not voting, 6:

Byars	Mines	Pederson, D.
Engel	Pedersen, Dw.	Stuthman

The appointment was confirmed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 635:

Environmental Quality Council  
Michael Bair  
Robert Hall

Alden Zuhlke

Voting in the affirmative, 33:

Aguilar	Combs	Foley	Landis	Schimek
Baker	Connealy	Friend	Langemeier	Smith
Beutler	Cornett	Heidemann	Louden	Stuhr
Bourne	Cudaback	Howard	Pahls	Stuthman
Brashear	Cunningham	Hudkins	Pederson, D.	Wehrbein
Burling	Erdman	Kopplin	Raikes	
Byars	Fischer	Kruse	Redfield	

Voting in the negative, 0.

Present and not voting, 13:

Brown	Janssen	Kremer	Price	Thompson
Chambers	Jensen	McDonald	Schrock	
Flood	Johnson	Preister	Synowiecki	

Excused and not voting, 3:

Engel	Mines	Pedersen, Dw.
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The appointments were confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 639:

State Personnel Board

Lucinda Glen

Voting in the affirmative, 35:

Aguilar	Cudaback	Heidemann	Louden	Schimek
Baker	Cunningham	Howard	McDonald	Schrock
Bourne	Erdman	Hudkins	Pahls	Smith
Brashear	Fischer	Kopplin	Pedersen, Dw.	Stuhr
Burling	Flood	Kremer	Pederson, D.	Stuthman
Chambers	Foley	Kruse	Price	Thompson
Connealy	Friend	Landis	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Combs	Jensen	Preister
Brown	Cornett	Johnson	Raikes
Byars	Janssen	Langemeier	Synowiecki

Excused and not voting, 2:

Engel                      Mines

The appointment was confirmed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

### **STANDING COMMITTEE REPORTS**

#### **Natural Resources**

**LEGISLATIVE BILL 23.** Indefinitely postponed.  
**LEGISLATIVE BILL 34.** Indefinitely postponed.  
**LEGISLATIVE BILL 153.** Indefinitely postponed.  
**LEGISLATIVE BILL 190.** Indefinitely postponed.  
**LEGISLATIVE BILL 397.** Indefinitely postponed.  
**LEGISLATIVE BILL 638.** Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

### **ANNOUNCEMENT**

Senator Pahls designates LB 1262 as his priority bill.

### **GENERAL FILE**

**LEGISLATIVE BILL 188.** Title read. Considered.

The Standing Committee amendment, AM0128, found on page 1809, First Session, 2005, was considered.

Senator Beutler renewed his pending amendment, AM2270, printed separately and referred to on page 643, to the Standing Committee amendment.

Senator Beutler moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Beutler amendment was adopted with 33 ayes, 5 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 12 nays, 6 present and not voting, and 3 excused and not voting.



Senator Brashear renewed his pending amendment, AM2262, printed separately and referred to on page 673.

Senator Brashear moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Brashear amendment lost with 16 ayes, 28 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 28 ayes, 14 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### **STANDING COMMITTEE REPORTS** **Health and Human Services**

**LEGISLATIVE BILL 1220.** Placed on General File as amended.  
Standing Committee amendment to LB 1220:  
AM2275

- 1 1. On page 2, strike beginning with "and" in line 22
- 2 through the period in line 23 and insert "Funding under the
- 3 program shall be awarded to a nationally accredited internship
- 4 training program with a history of placing interns in rural
- 5 areas.".

(Signed) Jim Jensen, Chairperson

### **General Affairs**

**LEGISLATIVE BILL 1039.** Placed on General File as amended.  
Standing Committee amendment to LB 1039:  
AM2309

- 1 1. Strike original sections 2 and 3.
- 2 2. On page 2, line 3, strike "sections 3 and 4" and
- 3 insert "section 2".
- 4 3. On page 5, line 3, strike "ten" and insert "five"; and
- 5 strike beginning with "and" in line 18 through "are" in line 19 and
- 6 insert "is".
- 7 4. Renumber the remaining sections accordingly.

(Signed) Ray Janssen, Chairperson

### **ANNOUNCEMENTS**

Senator Chambers designates LB 1096 as his priority bill.

Senator Johnson designates LB 385 as his priority bill.

## STANDING COMMITTEE REPORT

### Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Marilyn Harris - Coordinating Commission for Postsecondary Education

VOTE: Aye: Senators Bourne, Byars, Howard, Kopplin, McDonald, Raikes, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ron Raikes, Chairperson

### AMENDMENTS - Print in Journal

Senator Stuhr filed the following amendment to LB 72:

(Amendment, AM2211, is printed separately and available in the Bill Room, Room 1104.)

Senator Kopplin filed the following amendment to LB 438:  
AM2300

- 1     1. Insert the following new sections:
- 2     Section 1. Section 60-301, Revised Statutes Supplement,
- 3     2005, is amended to read:
- 4     60-301 Sections 60-301 to 60-3,220 and sections 2 to 4
- 5     of this act shall be known and may be cited as the Motor Vehicle
- 6     Registration Act.
- 7     Sec. 2. (1) Any resident of this state may, in addition
- 8     to the application required by section 60-385, make application
- 9     to the department for a set of license plates designed by the
- 10    department to indicate that the applicant for the license plates
- 11    has received from the federal government an award of the Legion
- 12    of Merit. The inscription on the plates shall be designed so as
- 13    to include a facsimile of the award and beneath any numerical
- 14    designation upon the plates pursuant to section 60-370 the words
- 15    Legion of Merit separately on one line.
- 16    (2) The license plates shall be issued upon payment of
- 17    the regular license fee and an additional fee of five dollars and
- 18    furnishing proof satisfactory to the department that the applicant
- 19    was awarded the Legion of Merit. The additional fee shall be
- 20    remitted to the State Treasurer for credit to the Highway Trust
- 21    Fund. Only one motor vehicle or trailer owned by the applicant
- 22    shall be so licensed at any one time.
- 23    (3) If license plates issued pursuant to this section are
  - 1    lost, stolen, or mutilated, the recipient of the plates shall be
  - 2    issued replacement license plates upon request and without charge.
- 3     2. Renumber the remaining sections and correct internal
- 4     references and the repealer accordingly.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 904. No objections. So ordered.

Senator Engel asked unanimous consent to add his name as cointroducer to LB 957. No objections. So ordered.

Senator Chambers asked unanimous consent to add his name as cointroducer to LB 1096. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Michael Cruisenberry from Lincoln; Annabel Von Holtzendorff from Passau, Germany; Leadership Academy Group and sponsors from Wymore Southern High School; members of Leadership Hastings, Leadership York, and Leadership Hall County; James Dukesherer from Bayard; 45 fourth-grade students and teachers from Eagle; and Madison County constituents.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Loudon, the Legislature adjourned until 9:00 a.m., Thursday, February 16, 2006.

Patrick J. O'Donnell  
Clerk of the Legislature

